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26
27 **UNITED STATES DISTRICT COURT**
28
29 **NORTHERN DISTRICT OF CALIFORNIA**

30 DEMETRIC DI-AZ, OWEN DIAZ, and
31 LAMAR PATTERSON,

32 Case No. 3:17-cv-06748-WHO

33 Plaintiffs,
34 v.
35 TESLA, INC. dba TESLA MOTORS, INC.;
36 CITISTAFF SOLUTIONS, INC.; WEST
37 VALLEY STAFFING GROUP;
38 CHARTWELL STAFFING SERVICES, INC.;
39 and DOES 1-50, inclusive,

40
41 **JOINT STIPULATION AND**
42 **[PROPOSED] ORDER FOR PARTIAL**
43 **DISMISSAL OF CLAIMS**

44 Trial Date: May 11, 2020
45 FAC Filed: December 26, 2018

46 Defendants.

1 Pursuant to Local Rule 7-12 and Rule 41(a)(1)(A)(ii) of the Federal Rules of Civil
 2 Procedure, Plaintiffs Demetric Di-az and Owen Diaz (“Plaintiffs”) and Defendant Tesla, Inc. dba
 3 Tesla Motors, Inc. (“Defendant”), by and through their respective counsel, hereby stipulate and
 4 agree as follows:

5 **WHEREAS** Plaintiffs filed their First Amended Complaint (“FAC”) on December 26,
 6 2018 (Dkt. No. 57), and Defendant filed its Answer to the FAC on January 1, 2019 (Dkt. No.
 7 63);

8 **WHEREAS** Plaintiffs’ FAC pled causes of action for violations of 42 U.S.C. § 1981;
 9 interference with constitutional rights in violation of the Bane Act; whistleblower retaliation
 10 under Section 1102.5 of the California Labor Code; negligent infliction of emotional distress;
 11 intentional infliction of emotional distress; negligent infliction of emotional distress; negligent
 12 hiring, retention, and supervision; and wrongful termination in violation of public policy against
 13 Defendant as to Plaintiff Demetric Di-az;

14 **WHEREAS** Plaintiffs’ FAC pled causes of action for violations of 42 U.S.C. § 1981 (1st
 15 Cause of Action) and negligent hiring, retention, and supervision (14th Cause of Action) against
 16 Defendant as to Plaintiff Owen Diaz, which Plaintiff Owen Diaz intends to pursue to trial and
 17 shall not be affected by this stipulation;

18 **WHEREAS** Plaintiffs’ FAC pled causes of action for threats of violence in violation of
 19 the Ralph Civil Rights Act (4th Cause of Action), threats of violence in violation of the Bane Act
 20 (5th Cause of Action), interference with constitutional rights in violation of the Bane Act (6th
 21 Cause of Action), whistleblower retaliation under Section 1102.5 of the California Labor Code
 22 (7th Cause of Action), negligent infliction of emotional distress (12th Cause of Action),
 23 intentional infliction of emotional distress (13th Cause of Action), wrongful termination (15th
 24 Cause of Action), and constructive discharge (16th Cause of Action) against Defendant as to
 25 Plaintiff Owen Diaz;

26 **IT IS HEREBY STIPULATED** by and between the parties that all causes of action as
 27 to Plaintiff Demetric Di-az are hereby dismissed with prejudice;

28 **IT IS FURTHER STIPULATED THAT** with respect to Plaintiff Owen Diaz’ 4th, 5th,

1 6th, 7th, 12th, 13th, 15th and 16th Causes of Action, these are hereby dismissed with prejudice;
2 and

3 **IT IS HEREBY FURTHER STIPULATED THAT** Plaintiff Owen Diaz is the only
4 plaintiff remaining and only Owen Diaz's 1st and 14th Causes of Action shall remain intact and
5 proceed to trial.

6
7 **IT IS SO STIPULATED.**
8
9
10

11 CALIFORNIA CIVIL RIGHTS LAW GROUP
12 ALEXANDER KRAKOW + GLICK LLP
13

14 Dated: April 1, 2020

15 By _____ /s/ Cimone Nunley
16 LAWRENCE A. ORGAN
17 NAVRUZ AVLONI
18 J. BERNARD ALEXANDER
19 CIMONE A. NUNLEY
20 Attorneys for Plaintiffs
21 DEMETRIC DI-AZ and OWEN DIAZ
22

23 SHEPPARD, MULLIN, RICHTER & HAMPTON LLP
24

25 Dated: April 1, 2020

26 By _____ /s/ Patricia Jeng
27 TRACEY A. KENNEDY
28 PATRICIA M. JENG
SUSAN HAINES
Attorneys for Defendant
TESLA, INC. dba TESLA MOTORS, INC.

29 **IT IS SO ORDERED.**
30
31

32 DATED: April ___, 2020

33 _____ HONORABLE WILLIAM H. ORRICK
34

DECLARATION OF CONSENT

Pursuant to Civil Local Rule 5-1(i)(3) regarding signatures, I attest under penalty of perjury that I obtained concurrence in the filing of this document from above-listed counsel for Defendant Tesla, Inc., which shall serve in lieu of their signature on the document.

Dated: April 1, 2020

By /s/ Cimone Nunley

LAWRENCE A. ORGAN

NAVRUZ AVLONI

J. BERNARD ALEXANDER

BERNARD TILLEH AND
CIMONE A. NUNLEY

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DEMETRIC DI-AZ and OWEN DIAZ